

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

x

ARLETTE MILLER, on Behalf of Herself and : Civil Action No. 2:08-cv-00879-JS-WDW
All Others Similarly Situated, :
Plaintiff, : NOTICE OF MOTION
vs. :
WACHOVIA CORPORATION, WACHOVIA :
CAPITAL TRUST IX, G. KENNEDY :
THOMPSON, MARK C. TREANOR, :
THOMAS J. WURTZ, PETER M. CARLSON, :
JOHN D. BAKER II, ROBERT J. BROWN, :
PETER C. BROWNING, JOHN T. :
CASTEEN, III, JEROME A. GITT, WILLIAM :
H. GOODWIN, JR., MARYELLEN C. :
HERRINGER, ROBERT A. INGRAM, :
DONALD M. JAMES, MACKEY J. :
MCDONALD, JOSEPH NEUBAUER, :
TIMOTHY D. PROCTOR, ERNEST S. :
RADY, VAN L. RICHEY, RUTH G. SHAW. :
LANTY L. SMITH, JOHN C. WHITAKER, :
JR., DONA DAVIS YOUNG, AND :
WACHOVIA CAPITAL MARKETS, LLC :
(THE "WACHOVIA DEFENDANTS") :
CITIGROUP GLOBAL MARKETS INC., :
MERRILL LYNCH PIERCE, FENNER & :
SMITH INCORPORATED, MORGAN :
STANLEY & CO. INCORPORATED, AND :
UBS SECURITIES LLC., :
Defendants. :
x

PLEASE TAKE NOTICE that at such time as the Court will set, the undersigned shall appear before the Honorable Joanna Seybert, at the United States District Court, 100 Federal Plaza, Central Islip, New York, on a date and time to be determined by the Court, for an order remanding this action to the Supreme Court of New York, County of Nassau, and for such other and further relief as this Court may deem appropriate.

DATED: April 2, 2008

COUGHLIN STOIA GELLER
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SAMUEL H. RUDMAN
DAVID A. ROSENFELD

/s/ Samuel H. Rudman
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Attorneys for Plaintiff

CERTIFICATE OF SERVICE

I, Carolina C. Torres, hereby certify that on April 2, 2008, I caused a true and correct copy of the attached:

Notice of Motion;

Plaintiff's Memorandum of Law In Support Of Motion for Remand to State Court; and

[Proposed] Order Granting Plaintiff's Motion for Remand to State Court

to be served: (i) electronically on all counsel registered for electronic service for this case; and (ii) by first-class mail to any additional counsel on the attached service list.

/s/ Carolina C. Torres
Carolina C. Torres

Wachovia Service List

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